

**Applicant:** T-Mobile

**Agent:** Dan Varela

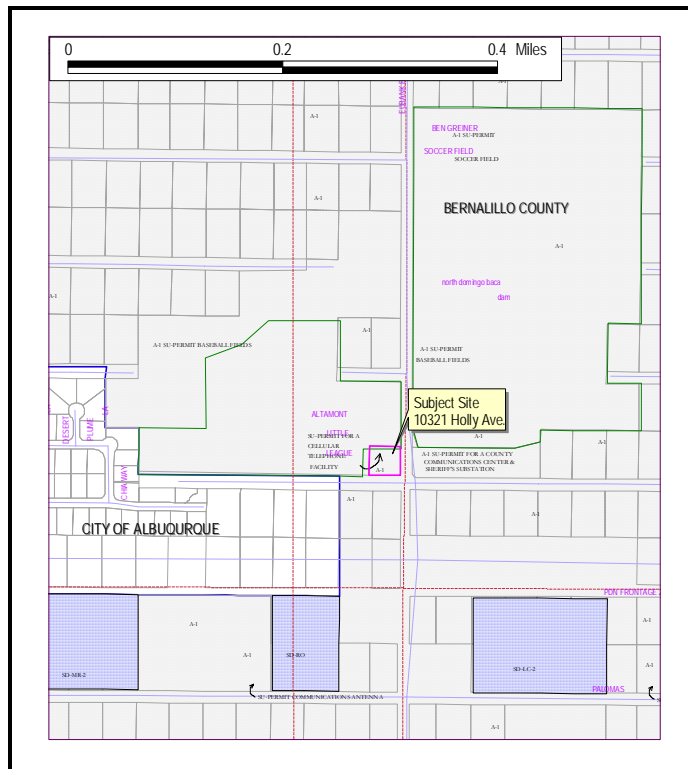
**Location:** 10321 Holly Avenue NE

**Property Size:** Approximately .50 acres

**Existing Zone:** A-1

**Request:** Special Use Permit for a Specific Use for a Wireless Telecommunication Facility

**Recommendation:** Denial



**Summary:** This is a request of a Special Use Permit for a Specific Use for a Wireless Telecommunication Facility to extend an existing monopole from 40 to 65 feet and add supporting ground equipment.

**Staff Planner:** Mari Simbaña, Program Planner

**Attachments:** 1. Application  
2. Land Use and Zoning Maps

Bernalillo County Departments and other agencies reviewed this application from 12/12/05 to 1/9/06. Their comments were used in preparation of this report, and begin on Page 15.

**AGENDA ITEM NO.: 17**  
**County Planning Commission**  
**February 1, 2006**

CSU-60005 Dan Varela, agent for T-Mobile, requests approval of a Special Use Permit for a Specific Use for a Wireless Telecommunication Facility (extend monopole from 40 to 65 feet) on Tract C, located at 10321 Holly Avenue NE, on the northwest corner of Holly Avenue and Eubank Boulevard, zoned A-1, and containing approximately .50 acres. (C-21)

**AREA CHARACTERISTICS AND ZONING HISTORY**  
**Surrounding Zoning & Land Uses**

|              | <b>Zoning</b>          | <b>Land use</b>  |
|--------------|------------------------|--|
| <b>Site</b>  | A-1                    | 40'–foot monopole and supporting ground equipment              |
| <b>North</b> | A-1                    | AMAFCA North Baca Dam<br>Altamont Little League Game Field     |
| <b>South</b> | A-1                    | Holly Avenue<br>Vacant   |
| <b>East</b>  | A-1/Special Use Permit | Eubank Boulevard<br>CSU-Bernalillo County Sheriff's Substation |
| <b>West</b>  | City of Albuquerque    | Residential  |

## **BACKGROUND:**

### **The Request**

The applicant seeks to alter an existing Special Use Permit which allows for a 40-foot monopole and supporting ground equipment. Specifically, the applicant wishes to extend the existing monopole to a height of 65 feet for placement of wireless antennas. The applicant's continued interest in providing the community with wireless service is what has prompted the Special Use Permit request.

In response to Resolution 116-86, the applicant states that, "By providing the service public safety and emergency communications will be significantly improved for the area by having the wireless telecommunications infrastructure that is able to connect to E-911 centers and other essential public service." The physical impact is limited because the request does not involve expansion of square footage on the ground since the intent is to increase the vertical height of the existing monopole. The applicant also cites the community's increased reliance on wireless telecommunications services and lack of adequate service in the area as justifications for approval of the request.

### **Surrounding Land Uses and Zoning**

The subject site is situated on the southern end of the AMAFCA North Baca Dam. Directly north and west of the site are baseball fields. To the east and across Eubank Blvd. is a Bernalillo County Sheriff's Substation. South and across Holly Ave. is a vacant lot owned by Bernalillo County. West of that is the beginning of the City of Albuquerque Boundary. Across Paseo del Norte and southeast of the subject site is an A-1-zoned property with Special Use Permit for a Cellular Telephone Facility (CSU-95-31). Adjacent and north of this property, is 10704 Paseo Del Norte, which in 2000 was denied the extension an existing telecommunications monopole from 45 feet to 55 feet (CSU-23) by Bernalillo County primarily due to the obstruction of the View Corridor. Southwest of the subject site is an A-1-zoned property with Special Use Permit for a Communications Antenna (CSU-85-25, CSU-92-38).

## **APPLICABLE PLANS AND POLICIES:**

### **Albuquerque/Bernalillo County Comprehensive Plan**

**3. Rural Area** The stated Goal of the Rural Area is "to maintain the separate identity of Rural Areas as alternatives to urbanization by guiding development compatible with their open character, natural resources, and traditional settlement patterns." The following includes applicable policies:

**Policy a** of the Rural Area Goal states that "higher density development may occur at appropriate locations. Rural Area density patterns shall be more specifically defined through lower rank planning. Each higher density area is to be controlled by site development plan and is to be located well away from other such higher density areas."

**Policy b** states that "Development in Rural Areas shall be compatible with natural resource capacities, including water availability and capacity, community and regional goals and shall include trail corridors where appropriate."

**Policy g** states that “the following shall guide industrial and commercial development in the Rural Areas

- Small-scale, local industries, which employ few people and may sell products on the same premises, are the most desirable industrial use.
- Neighborhood and/or community-scale rather than regional scale commercial centers are appropriate for rural areas. Strip commercial development should be discouraged and, instead, commercial development should be clustered at major intersections and within designated mountain and valley villages.”

### **Paseo del Norte/ North Albuquerque Acres Sector Development Plan**

This Sector Plan provides guidelines for development in the County area of North Albuquerque Acres and contains sections on applicable zoning, design guidelines, infrastructure and utility guidelines and open space recommendations.

The Sector Plan intends to accomplish the following:

- Emphasize the rural quality of the County portion of North Albuquerque Acres and the A-1 zoning of the single-family residential areas.
- Establishes regulations that implement the land use recommendations of the Paseo del Norte Commercial Corridor Study for sites found along Paseo del Norte and Eubank Boulevard.
- Evaluates potential public open sites in North Albuquerque Acres and recommends a preferred site.

#### **4.4.1 Special Zoning Provisions of Sector Development Plan**

*(paragraph 3)*

In the Paseo del Norte/ North Albuquerque Acres Sector Development Plan, higher intensity land uses are proposed for areas along Paseo del Norte and Eubank that have been platted as one-acre single family lots and are adjacent to single family homes on one-acre lots.

Therefore, special zoning categories are appropriate to take into account the need for appropriate, but limited, commercial uses along these corridors; the desirability of land assembly so that higher intensity uses are not built on individual lots; and the need for guidelines to protect existing neighborhoods.

#### **4.5 Amendments to the Sector Development Plan Zoning**

Any request for a change in zone or for a special use permit on any property within the Sector Development Plan boundary is considered to be a Sector Development Plan amendment and would be evaluated according to the criteria and process of the Bernalillo County Zoning Ordinance.

##### **9.1.4.1 Site Planning Design Regulations**

Transformers, utility pads, and telephone boxes shall be appropriately screened with wall and/or plant materials when viewed from the public right-of-way. Screening materials shall not limit access for maintenance purposes by utility companies.

#### **9.1.4.1 Architecture Design Regulations**

Wireless communications facilities must be architecturally integrated with proposed buildings, structures, and landscaping through height, color, style, massing, placement, design, and shape. Free standing wireless communications facilities shall be set back a minimum of 85 feet from any residential property line.

### **Bernalillo County Zoning Ordinance**

**Resolution 116-86** defines criteria for evaluating a Zone Map changes and Special Use Permit applications.

The following policies for deciding zone map changes and Special Use Permit applications pursuant to the adopted Bernalillo County Zoning Ordinance.

- A. A proposed land use change must be found to be consistent with the health, safety and general welfare of the residents of the County.
- B. The cost of land or other economic considerations pertaining to the applicant shall not be the determining factor for a land use change.
- C. A proposed land use change shall not be in significant conflict with adopted elements of the Comprehensive Plan of other Master Plans and amendments thereto including privately developed area plans which have been adopted by the Board of County Commissioners.
- D. Stability of the land use and zoning is desirable; therefore, the applicant must provide a sound justification for land use change. The burden is on the applicant to show why the change should be made.
- E. The applicant must demonstrate that the existing zoning is inappropriate because:
  - 1. An error in the original zone map.
  - 2. Changed neighborhood conditions, which justifies a change in land use or
  - 3. That a different use category is more advantageous to the community as articulated in the Comprehensive Plan or other land use plans as adopted by the Board of County Commissioners.
- F. A land use change shall not be approved where some of the permissive uses in the land use change would be harmful to adjacent property, the neighborhood or the community.
- G. Location on a collector or major street is not itself sufficient justification of apartment, office, or commercial zoning.

- H. A zone change request which would give a zone different from the surrounding zoning to one small area, especially when only one premises is involved, is generally called a “spot zone.” Such a change of zone may be approved only when:
  - 1. The change will clearly facilitate revitalization of the Comprehensive Plan and any applicable adopted sector development plan or area development plan; or
  - 2. The area of the proposed zone change is different from surrounding land because it could function as a transition between adjacent zones, because the site is not suitable for the uses allowed in any adjacent zone due to topography, traffic, or special adverse land uses nearby; or because the nature of structures already on the premises makes the site unsuitable for the uses allowed in any adjacent zone.
- I. A zone change request, which would give a zone different from the surrounding zoning to a strip of land along a street, is generally called a “strip zoning.” Such a change of zone may be approved only when:
  - 1. The change will clearly facilitate realization of the Comprehensive Plan and any applicable adopted sector development plan or area development plan; or
  - 2. The area of the proposed zone change is different from surrounding land because it could function as a transition between adjacent zones, because the site is not suitable for the uses allowed in any adjacent zone due to topography, traffic, or special adverse land uses nearby; or because the nature of structures already on the premises makes the site unsuitable for the uses allowed in any adjacent zone.

### **Section 18. Special Use Permit Regulations.**

- A. By Special Use Permit after receipt of a recommendation from the Bernalillo County Planning Commission, the Board of County Commissioners may authorize the location of uses in any zone in which they are not permitted by other sections of this ordinance; the Bernalillo County Commission may likewise authorize the increase in height of buildings beyond the limits set by previous sections of this ordinance. With such permits, the Bernalillo County Commission may impose such conditions and limitations as it deems necessary:
  - 1. To ensure that the degree of compatibility of property uses which this section is intended to promote and preserve shall be maintained with respect to the special use on the particular site and consideration of existing and potential uses of property within the zone and the general area in which the use is proposed to be located;
  - 2. To ensure that the proper performance standards and conditions are, whenever necessary, imposed upon uses which are, or which reasonably may be expected to become, obnoxious, dangerous, offensive or injurious to the health, safety, or welfare of the public, or a portion thereof, by reason of the emission of noise, smoke, dust, fumes, vibration, odor, or other harmful or annoying substances;

3. To preserve the utility, integrity and character of the zone in which the use will be located, without adversely affecting adjacent zones; and
4. To ensure that the use will not be or become detrimental to the public interest, health, safety, convenience, or the general welfare.

**B.32.a**

(Office/Commercial) In certain situations based on unique conditions the owner may apply for any of the specific uses set forth in Sections 12, 13, 14, or 15 of this Ordinance. The special use for a specific use (office/commercial) may be granted if the owner/applicant proves by clear and convincing evidence that: (1) unique conditions exist that justify the request and (2) there is substantial support from neighborhood residents (or owners of property) within 200 feet of the site for the proposed special use.

**Section 19: Landscaping and Buffer Landscaping Regulations:**

Where a nonresidential zone which is hereafter developed for a business purpose abuts a residentially zoned property, special buffer landscaping is required to minimize noise, lighting and sight impact of the nonresidential activities in the residential area.

- A. Landscaping and buffer landscaping will be required in all zones for office, commercial, industrial, and multifamily residential uses; R-1, A-1, A-2 and M-H residential uses are exempt.
  1. Sites of one acre or less:
    - a. There shall be a landscaped setback along all streets of no less than ten feet.
    - b. There shall be a landscaped buffer of six feet between single-family residential uses and office, commercial, industrial, and multifamily residential uses.
    - c. Fifteen percent of all paved areas shall be landscaped. The landscaped setback shall contribute toward this requirement.
  2. Sites one acre and up to five acres. There shall be a landscaped setback along all streets of no less than 15 feet. All other requirements same as 1.b. and 1.c. above.
- B. In a nonresidential zone, a solid wall or a solid fence at least six feet high shall be erected on sides abutting a single family residential use, except for those sides abutting public right-of-way.
- E. Landscaping which dies shall be replaced by the property owner who is obligated to provide it as expeditiously as possible, but in no case longer than 30 days after notification. If the 30-day period falls at a time of the year when planting of landscaping is inadvisable, a waiver may be granted by the Zoning Administrator to allow planting at the earliest possible time. The waiver and date of the planting deadline shall be recorded by the County Zoning Office.

- G. Parking spaces within a parking lot shall be no more than 50 feet from a tree.
- H. Nonconforming Landscaping. Premises which, when they were developed, were not required to be developed in accordance with the Landscaping and Buffer Landscaping Regulations Section of this ordinance, shall be made to conform with this regulation within two years due to the amendment of the map or text of this ordinance.

**Section 22.5. Wireless Telecommunications Regulations.**

- A. *Basic Requirements.* The following regulations shall apply to all wireless telecommunications facilities in all zones, unless otherwise stated.
1. *Setbacks:*
    - a. A freestanding wireless telecommunications facility shall be set back a minimum of 85 feet from any property line or at a one to one ratio (one foot of setback for every foot of tower height from the property lines of the premises), whichever is greater, from any property zoned A-1, A-2, R-1, R-2, or M-H.
    - b. New freestanding wireless telecommunications facilities in electric substations shall be exempt from the one to one setback requirement if they are no taller than the existing utility poles in the substation.
    - c. Except as stated in (a) and (b) above, setbacks shall conform to the setback requirements of the zone in which the wireless telecommunications facility is located.
  2. *Lighting and Signage:*
    - a. Only security lighting or lighting required by a state or federal agency is allowed, provided:
      - (1) The location of the lighting fixture together with its cut-off angle shall be such that it does not shine directly on any public right-of-way or any residential premises.
      - (2) The lighting shall not have an off-site luminance greater than 1,000 footlamberts; it shall not have an off-site luminance greater than 200 footlamberts measured from any property zoned A-1, A-2, R-1, R-2, or M-H.
    - b. The only signage permitted is that required by state or federal law.
  3. *Telecommunications Equipment Building or Cabinet shall:*
    - a. Not contain more than 350 square feet of gross floor area per service provider and shall not be more than ten feet in height.
    - b. Maintain the minimum setback and screening requirements of the zone in which it is located or as otherwise defined in this section.
  4. *Abandonment:* All wireless telecommunications facilities that are not in use for six consecutive months shall be removed by the wireless telecommunications facility owner. This removal shall be completed within three months after the end of such six-month period. Upon removal, the site shall be revegetated to blend with the existing surrounding vegetation.
  5. *Collocation:* No new free-standing wireless telecommunications facility shall be permitted unless the Zoning, Building and Planning Director or his/her designee determines, upon the applicant's demonstration, that no existing tower, structure or public utility structure located within 1/4 mile of the proposed site can be used in lieu of new construction to accommodate the applicant's proposed telecommunications facility. The applicant shall submit documentation to demonstrate that:
    - a. No existing tower, structure, or public utility structure is located within the 1/4 mile radius that meets the applicant's engineering requirements; or



- b. No existing tower, structure, or public utility structure is located within the 1/4 mile radius which has sufficient structural strength or space available to support the applicant's proposed telecommunications facility and related equipment; or
  - c. The applicant's proposed telecommunications facility would cause significant, unavoidable electromagnetic interference with the antenna(s) on the existing towers, structures or public utility structures, or the antenna(s) on the existing towers, structures or public utility structures would cause interference with the applicant's proposed telecommunications facility; or
  - d. The owners of existing towers, structures, or public utility structures within the 1/4 mile radius will not allow the applicant to place its telecommunications facility thereon, or such owners are requiring payments for the use of their tower that substantially exceed commercially reasonable rates.
6. Interference: Every wireless telecommunications facility shall meet the regulations of the Federal Communications Commission regarding physical and electromagnetic interference.
7. Health Issues: Every wireless telecommunications facility shall meet health and safety standards for electromagnetic field emissions as established by the Federal Communications Commission and any other federal or state agency.
8. View Corridors: Only concealed wireless telecommunications facilities or wireless telecommunications facilities, the antennas of which are all located on existing vertical structures, are allowed within 1/8 mile from the outer edge of the right-of-way of any flood control arroyo designated by the County of Bernalillo, City of Albuquerque, or Albuquerque Metropolitan Arroyo Flood Control Authority and identified as part of an existing or future trail system by the County or City, or the following streets: Alameda Boulevard, Griegos Road, Coors Boulevard, Central Avenue, Unser Boulevard, Paseo del Norte, Rio Grande Boulevard, Tramway Boulevard, Interstate 25, Interstate 40, Old US Highway 66 (New Mexico 333), New Mexico 14, New Mexico 337 (Highway 14 South), New Mexico 217, Mountain Valley Road, Frost Road, Sandia Crest Road (New Mexico 536), Vallecitos Road and Gutierrez Canyon Road. All other wireless telecommunications facilities are prohibited within 1/8 mile of the outer edges of the right-of-way of the aforementioned view corridors.
9. Historic Districts: Only concealed wireless telecommunications facilities are allowed within districts listed in the State Register of Cultural Properties or the National Register of Historic Places, or within 1/8 mile of any historic routes listed in the State or National Registers.
10. Application requirements: In addition to information already required by the Zoning Ordinance, each applicant for a wireless telecommunications facility shall provide the Zoning, Building and Planning Department with the following:
- a. The zone map(s) specific to the application-site, from the County's Zone Atlas, drawn to scale, showing land uses and zoning designations, including those within the City of Albuquerque or other jurisdictions.
  - b. Documentation regarding collocation as described in section 22.5.A.5. of this ordinance.
  - c. A set of plans which, in addition to other requirements in this Ordinance, includes:
    - (1) A scaled site development plan clearly indicating the location, type, color and height of any proposed wireless telecommunications facility, on-site land uses and zoning, adjacent land uses and zoning (including when adjacent to other jurisdictions), Comprehensive Plan classification of the site, adjacent roadways, proposed means of access, setbacks from property lines, elevation drawings of any wireless telecommunications facility, topography, and parking layout;

- (2) A notarized statement from the applicant that describes the facility's capacity and declares the number and type(s) of antenna(s) that it can accommodate, or an explanation of why the facility cannot be designed to accommodate other users;
  - (3) An engineer's stamp and registration number;
  - (4) The separation distance between any tower and other telecommunications facilities and identification of the owner(s) of those facilities; and
  - (5) Any other information as requested by the county needed to evaluate the application;
- d. A letter of intent committing the wireless telecommunication facility owner and its successors to allow shared use of the facility if an additional user agrees in writing to meet reasonable terms and conditions of shared use.

e. In addition, the first application for a permit by a wireless telecommunications provider after adoption of this ordinance shall include an inventory of the applicant's existing wireless telecommunications facilities or approved sites for such facilities within the unincorporated portion of Bernalillo County or within one thousand feet of the border of the unincorporated area.

11. Criteria for Concealed Wireless Telecommunications Facilities. Concealed wireless telecommunications facilities must be:

- a. Architecturally integrated with existing buildings, structures, and landscaping, including height, color, style, massing, placement, design, and shape.
- b. Located to avoid a dominant silhouette of a wireless telecommunications facility on escarpments and mesas, and to preserve view corridors.
- c. Located on existing vertical infrastructure, such as utility poles or public utility structures, if possible.
- d. Located in areas where the existing topography, vegetation, buildings, or other structures provide the greatest amount of screening.

12. Landscaping and Screening: The following regulations shall apply to landscaping and screening:

- a. Freestanding wireless telecommunications facilities shall be surrounded by a six-foot high fence or wall, which shall be solid if facing or abutting a lot zoned A-1, A-2, R-1, R-2, or M-H. Chain link with slats shall not constitute a solid fence.
- b. Any free-standing wireless telecommunications facility facing or abutting a property used for residential purposes shall include landscaping along the outside of the required fence or wall that is planted and maintained according to a Landscaping Plan approved by the Zoning, Building and Planning Director or his/her designee. Such landscaping shall meet the intent of the Landscaping and Buffer Landscaping Regulations Section of this ordinance. The Zoning, Building and Planning Director may waive this requirement if the freestanding wireless telecommunications facility is not readily visible from surrounding properties or rights of way and it is determined that providing the required landscaping is not necessary to meet the intent of this ordinance.
- c. Concealed wireless telecommunications facilities are not subject to the landscaping and screening requirements of this section.

13. Horizontal Separation of Free-standing Wireless Telecommunications Facilities: Free-standing wireless telecommunications facilities shall be separated by at least 1,000 feet.

B. Exclusions. Every wireless telecommunications facility located within the county, whether upon private or public lands, shall be subject to the provisions of this ordinance. The following facilities, however, shall be exempted from the regulations for wireless telecommunications facilities:

1. Amateur radio stations if owned and operated by a federally licensed amateur radio station operator;
  2. Receive-only antennas if used exclusively as a receive-only facility;
  3. Any existing tower and antenna provided a building permit was issued for the tower or antenna prior to adoption of this ordinance;
  4. Wireless telecommunications facilities used exclusively for emergency services including sheriff, police, fire, EMS, and operation of a water utility system; and
  5. Any antennas used for AM, FM or TV broadcasting, which are regulated under the Special Use Section of this ordinance.
- C. Variances. Variances may be granted from the requirements of these regulations by the Zoning Administrator, following the procedures in the administration section of this ordinance.
1. Any such variance shall be based on the following criteria:
    - a. It is in the best interest of the community as a whole;
    - b. It will expedite the approval of an antenna, tower, or tower alternative;
    - c. It will not jeopardize public health, safety and welfare;
    - d. It will either ameliorate the adverse impacts of antenna and tower proliferation or the adverse impact of requiring new construction of towers or antennas; and
    - e. It will better serve the purposes of this ordinance.
  2. The facts to be considered by the Zoning Administrator in reviewing an application for such a variance shall include:
    - a. The height of the proposed tower;
    - b. The proximity of the tower or antenna to residential structures and residential district boundaries;
    - c. The nature of uses on adjacent and nearby properties;
    - d. The surrounding topography;
    - e. The surrounding vegetation and foliage;
    - f. The design of the tower or antenna, with particular reference to design characteristics intended to reduce or eliminate the tower's or antenna's visibility;
    - g. The proposed ingress and egress;
    - h. The availability of suitable existing towers or other structures; and
    - i. Such other factors as may be relevant.
- (Ord. No. 99-6, § 1, 5-11-99; Ord. No. 04-1, § 1, 1-13-04)

## **ANALYSIS:**

### **Surrounding Land Use and Zoning**

The subject site is situated on the southern end of the AMAFCA North Baca Dam, surrounded mostly by A-1 zoned properties. Directly north and west of the site are baseball fields. To the east and across Eubank Blvd. is a Bernalillo County Sheriff's Substation. South and across Holly Ave. is a vacant lot owned by Bernalillo County. West of that vacant property is where the City of Albuquerque Boundary begins.

### **Plans**

The Albuquerque/Bernalillo County Comprehensive Plan Rural Area section recommends the preparation and adoptions of area plans specifying appropriate density patterns. This is

reflected in the Special Development Zones established by the Paseo del Norte/North Albuquerque Acres Sector Development Plan (Sector Plan).

As outlined in the Bernalillo County Zoning Ordinance, wireless communication facilities are permissive in all zones if they are concealed or located on public utility structures. A freestanding wireless telecommunications facility must be set back a minimum of 85 feet from any property line or at a one to one ratio (one foot of setback for every foot of tower height from property lines of the premises), whichever is greater, from any property zoned A-1, A-2, R-1, R-2, or M-H. Freestanding wireless communication facilities up to 65 feet are permissive in the )-1, C-1, C-2, M-1, and M-2 zones. These must be surrounded by a six-foot high, solid fence or wall if abutting A-1, A-2, R-1, R-2, or M-H zones. All such uses must follow Zoning Ordinance Section 22.5 regulations for Wireless Telecommunications.

The North Albuquerque Acres/Paseo del Norte Sector Development Plan (Sector Plan) was approved by the Extraterritorial Land Use Authority on February 20, 2001. The sector plan area was originally 3804 acres. Since the adoption of the plan, several acres have been annexed into the City of Albuquerque. The Sector Plan had extensive public input and participation during a two and a half-year planning period; a total of seven public open house meetings were held within the community. This Sector Plan provides guidelines for development and design in the unincorporated area of North Albuquerque Acres.

The intent of the zoning and design guidelines of the Sector Plan is to reinforce the unique low density, rural character of North Albuquerque Acres through a mix of permissive land uses that have a strong neighborhood orientation and are of an intensity appropriate to the changed conditions in the community and to the rural character of North Albuquerque Acres. In the Sector Plan, higher intensity land, especially focusing on commercial activities, are designed for areas along Paseo del Norte and Eubank that have been platted as one-acre single family lots and are adjacent to single family homes on one acre lots. along the Paseo del Norte corridor. The special zoning categories take into account the need for appropriate but limited, commercial uses along these corridors; the desirability of land assembly in which higher intensity uses are not built on individual lots; and the need for guidelines to protect existing neighborhoods. Each Special Development Zone follows specified area regulations. The design guidelines are intended to minimize the impact of commercial, office, and higher density development on existing low density residential land uses and create the visual image desire for development. The subject site is neither located on Paseo del Norte nor in a Special Development Zone. The specific existing use is only allowed through a Special Use Permit (CSU-94-29). This wireless telecommunications facility is fenced into a 6-square-foot area. As stated in section 4.5, "Any request for a change in zone or for a special use permit on any property within the Sector Development Plan boundary is considered to be a Sector Development Plan amendment and would be evaluated according to the criteria and process of the Bernalillo County Zoning Ordinance."

### **Agency Comments**

The site has building permit issues which need to be addressed with the Bernalillo County Building office. Drainage issues will need to be addressed through Bernalillo County Public Works Division prior to any construction.

### Analysis Summary

|                           |  |
|---------------------------|--|
| <b>Zoning</b>             |  |
| Resolution 116-86         | Applicant must explain changed community conditions or advantage to community to justify request .                           |
| Section 18.B.32.a         | Applicant must provide proof of neighborhood support and justify unique conditions   |
| Section 22.5              | Unconcealed wireless telecommunications facilities are prohibited within 1/8 of a mile of Paseo del Norte, a View Corridor.  |
| <b>Plans</b>              |  |
| Comprehensive Plan        | The existing telecommunications facilities meet the needs of Public Safety and emergency communications.                     |
| Sector Plan               | The request meets the architectural design guidelines of the Paseo del Norte/North Albuquerque Acres Sector Development Plan |
| <b>Other Requirements</b> |  |
| Public Works Division     | Upon construction, applicant needs to meet with Public Works staff to address drainage issues.                               |
| Building                  | Applicant needs to close exiting building permit and apply for new permits upon extension of pole and support equipment.     |

### Conclusion

The applicant is requesting a Special Use Permit for a 65-foot monopole for the placement of wireless antennas and supporting ground equipment. This use is permissive in the O-1, C-1, C-2, M-1, and M-2 zones. The existing unconcealed monopole is already an obstruction to the views of the landscape which the community wishes to protect and has done so through the implementation of the Paseo del Norte/North Albuquerque Acres Sector Development Plan. The additional 25 feet proposed for the monopole would make it stand out more significantly and places this request further away from meeting the regulations for these types of facilities in the A-1 zone. The subject site is within 1/8 of a mile from Paseo del Norte and therefore, does not meet the requirements for establishment of wireless telecommunications facilities set forth in the Zoning Ordinance Section 22.5. Moreover, the applicant has not provided proof of neighborhood support nor justified a unique condition and therefore has not met Bernalillo County Zoning Ordinance Section 18.B.32.a.

### RECOMMENDATION:

**Denial** based on the following Findings

Mari Simbaña  
Program Planner

**Findings:**

1. This is a request for approval of a Special Use Permit for a Specific Use for a Wireless Telecommunication Facility (extension of monopole from 40 to 65 feet) on Tract C, located at 10321 Holly Avenue NE, on the northwest corner of Holly Avenue and Eubank Boulevard, zoned A-1, and containing approximately .50 acres. (C-21)
2. The property is within the Rural Area as designated by the Albuquerque/Bernalillo County Comprehensive Plan.
3. This request is in conflict with Resolution 116-86 in that the applicant has failed to demonstrate that the requested land use is more advantageous to the community.
4. The applicant has failed to meet Section 18.B.32.a of the Zoning Ordinance in that there is no substantial neighborhood support and no justification for unique conditions.
5. The proposed wireless communications facility conflicts with it's designated A-1 zoning in that it is neither concealed nor located on a public utility structure.
6. The proposed use for a wireless communications facility conflicts with the Zoning Ordinance Section 22.5 in that it is within 1/8 of a mile of Paseo del Norte, a designated View Corridor.

## **BERNALILLO COUNTY DEPARTMENT COMMENTS**

### **Building Department:**

Corrections listed below must be corrected for approval:

1. There is an existing building permit (BCBP 20110) that requires closure.
2. A building permit will be required for the proposed extension of monopole.

### **Environmental Health:**

Meet all Bernalillo County Environmental Health Office ordinances.

### **Zoning Administrator:**

Must comply with below listed comments.

Shall comply with ELUA-2-2001/Ordinance NO. 94-22/Section 4.5 Amendments to the Sector Development Plan Zoning.

Shall comply with all applicable regulations of Section 22.5 Wireless Telecommunications Regulations.

### **Fire:**

No comment received

### **Public Works:**

#### **DRAN:**

1. This property is subject to the Bernalillo County code chapter 38. Prior to any additional development of this property a drainage submittal meeting the requirements of this code will be required.

2. The construction of the cell phone tower will not initiate a requirement for a grading and drainage plan for this site as long as all developed flows are managed by shallow swales, or depressed landscaping and not freely discharged offsite.

#### **DRE:**

No adverse comments to this Special Use Request.

### **Parks & Recreation:**

No adverse comments at this time.

### **Sheriff's:**

No comment received

## **COMMENTS FROM OTHER AGENCIES**

COUNTY PLANNING COMMISSION  
FEBRUARY 1, 2006  
CSU-60005

MRGCOG:

For information, this section of Eubank Blvd is identified as having a separate path within the ROW as well as on-street bike lanes on the Long Range Roadway System.

AMAFCA:

No comment.

City Planning Department:

No comment received

City Public Works/Water Resources:

No adverse comments.

ABCWUA Utility Development Section

No comment received

City Environmental Health:

No comment received

City Open Space:

No comment received

City Transportation Development:

No adverse comments.

City Transit:

No comment received

NM Department of Transportation

-No comments.

Albuquerque Public School:

No comment received

Village of Tijeras:

No comment received

**NEIGHBORHOOD ASSOCIATIONS:**

North Albuquerque Acres Community Association



Approval

**Findings:**

1. This is a request for approval of a Special Use Permit for a Specific Use for a Wireless Telecommunication Facility (extend monopole from 40 to 65 feet) on Tract C, located at 10321 Holly Avenue NE, on the northwest corner of Holly Avenue and Eubank Boulevard, zoned A-1, and containing approximately .50 acres. (C-21)
2. The property is within the Rural Area as designated by the Albuquerque/Bernalillo County Comprehensive Plan.
3. This amendment will allow for the existing wireless communication tower to be extended by 25 feet.
4. This request is consistent with the Paseo del Norte/North Albuquerque Acres Sector Development Plan in that it meets the architectural design guidelines, 9.1.4.2, for a wireless communications facility.
5. This request is consistent with the health, safety, and general welfare of the residents of the County.

**CONDITIONS:**

1. In the event that future residential uses are developed adjacent to the subject site, a solid fence at least six feet high shall be erected within 120 days from the date of residential construction and shall be erected on sides abutting any residential uses.
2. Lighting shall be site-specific. Shielded or cutoff fixtures shall be provided so that no fugitive light crosses to adjacent lots.
3. The applicant shall comply with the Bernalillo County Noise Ordinance. No outdoor speakers or amplified sound systems shall be permitted. Ambient noise levels shall be measured on property boundaries in accordance with Bernalillo County Code, Section 30-115.
4. The applicant shall comply with all applicable Bernalillo County ordinances and regulations.
5. The Special Use Permit shall be issued for five (10) years.
6. The foregoing Conditions shall become effective immediately upon execution or utilization of

any portion of the rights and privileges authorized by this Special Use Permit, and shall be strictly complied with within one year.